

Paul S. Padda, Esq. (NV Bar No. 10417)  
Email: ppadda@caplawyers.com  
COHEN & PADDA, LLP  
4240 West Flamingo Road, Suite 220  
Las Vegas, Nevada 89103  
Tele: (702) 366-1888  
Fax: (702) 366-1940  
Web: caplawyers.com

Attorney for Defendant

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

**UNITED STATES OF AMERICA, )**

**Plaintiff, )**

**v. )**

**ROBERT RADIN, )**

**Defendant. )**

**Case No. 2:13-cr-0118-JCM-(CWH)**

**DEFENDANT'S UNOPPOSED MOTION TO STAY THE COURT'S  
COMMITMENT ORDER PENDING APPEAL**

**(First Request)**

Certification: In accordance with Local Rule 12-1(c), Defendant, by and through undersigned counsel, hereby certifies that this motion is timely filed.

By Order dated October 21, 2014, the Court granted the government's motion for psychiatric evaluation of Defendant Robert Radin.<sup>1</sup> Under the terms of that Order, drafted by the government and signed by the Court, Defendant can be committed to a Federal Bureau of Prisons

---

<sup>1</sup> See Pacer #63.

1 (“BOP”) facility “forthwith” for up to 45-days.<sup>2</sup> Following the Court’s execution of the Order  
2 placed before it by the government, undersigned counsel telephoned government counsel to  
3 express certain concerns about the Order. Undersigned counsel indicated he would be seeking  
4 further review of the Order from the District Court and, to that end, inquired if government  
5 counsel would oppose a stay of the Order pending an appeal. Government counsel indicated he  
6 does not oppose this motion for stay of the Order pending appeal.

7 In support of this motion, Defendant relies upon the memorandum of points and  
8 authorities set forth below.

9 **MEMORANDUM OF POINTS AND AUTHORITIES**

10 The Court’s Local Rule IA 3-1 provides that the “court may *sua sponte* or on motion  
11 change, dispense with, or waive any” of its rules “if the interests of justice so require.” In this  
12 case, a stay of the Court’s October 21, 2014 Order pending further judicial review is appropriate  
13 for the reasons set forth below.

14 The Court executed an Order on October 21, 2014 which directs that Robert Radin, who  
15 has been on pretrial release since April 2013, be committed “forthwith” to a BOP facility for up  
16 to 45-days for psychological evaluation. Following the Court’s issuance of that Order, counsel  
17 for Defendant contacted government counsel for the purpose of discussing the terms of the  
18 Order and to express certain concerns pertaining to some of the conditions contained therein.  
19 Following that discussion, counsel for the government indicated he would not oppose a stay of he  
20 Order pending further judicial review.

21 In light of the foregoing, Defendant respectfully requests that the Court stay the  
22 enforcement of its October 21, 2014 Order pending Defendant’s appeal of the issues implicated  
23 in the Order. Both judicial economy and efficiency favor a stay. Presently, trial is scheduled to  
24 commence on November 17, 2014. However, under the terms of the Court’s Order, BOP may  
25

---

26 <sup>2</sup> The government could request extensions beyond that 45-day period.

1 detain Mr. Radin for psychological examination immediately and well beyond the  
2 commencement of the current trial date.<sup>3</sup> Accordingly, the parties anticipate filing a stipulation  
3 seeking an extension of the current trial.

4 **CONCLUSION**

5 For the reasons set forth herein, Defendant respectfully requests that the Court grant this  
6 motion and stay enforcement of its October 21, 2014 Order pending further judicial review.

7 Respectfully submitted,

8 */s/ Paul S. Padda*

9 Paul S. Padda, Esq.  
10 Cohen & Padda, LLP

11 Attorney for Defendant

12 Dated: October 28, 2014

13 **IT IS SO ORDERED:**

14 **Defendant's unopposed motion for stay of the**  
15 **Court's October 21, 2014 Order (Pacer #63) is**  
16 **hereby granted. Enforcement of the Order shall**  
17 **be stayed pending further judicial review.**

18   
UNITED STATES MAGISTRATE JUDGE

19 Dated: October 29, 2014

20 **CERTIFICATE OF SERVICE**

21 In compliance with the Court's Local Rules, the undersigned hereby certifies that on  
22 October 28, 2014 a copy of the foregoing document, "DEFENDANT'S UNOPPOSED MOTION  
23 TO STAY THE COURT'S COMMITMENT ORDER PENDING APPEAL" was served (via the  
24 Court's CM/ECF system) upon counsel of record for the United States.

25 */s/ Paul S. Padda*

26 Paul S. Padda, Esq.

<sup>3</sup> This will, of course, interfere with defense counsel's ability to prepare for trial.